

07-cv-3066-DC-MHD ECF CASE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Fahmi Kaid Al Gaheim, individually,

Petitioner,

**PETITION FOR
REVIEW OF
NATURALIZATION
DENIAL**

vs.

Andrea J. Quarantillo, officially as District
Director, U.S. Citizenship & Immigration
Services; and the U.S. Citizenship &
Immigration Services,

Defendants.

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**I.
INTRODUCTION**

1. This is an individual action for a request for hearing before the District Court, pursuant to § 310(c) of the Immigration and Nationality Act. 8 U.S.C. § 1421(c).

**II.
JURISDICTION**

2. The Court has jurisdiction to hear Petitioner's request for a hearing on his naturalization denial pursuant to 8 U.S.C. § 1421(c).

3. This case involves issues regarding the Immigration and Nationality Act of 1952, as amended, codified at 8 U.S.C. § 1101 et seq. Thus, the Court also has

subject matter jurisdiction over this matter under the “federal question statute.” 28 U.S.C. § 1331.

4. Officials and agencies of the United States have been named as defendants. Thus, the Court has jurisdiction under the Administrative Procedures Act (“APA”). 5 U.S.C. § 551 et seq. and 5 U.S.C. 701 et seq.

III. VENUE

5. Petitioner resides at 3890 Sedgwick Avenue #1B, Bronx, NY 10463. Under 8 U.S.C. § 1421(c), venue in the Southern District of New York is proper.

IV. PETITIONER

6. Petitioner is a lawful permanent resident of the United States, who resides at 3890 Sedgwick Avenue #1B, Bronx, NY 10463.

V. DEFENDANTS

7. The United States Citizenship and Immigration Services is the federal agency tasked with determining eligibility for naturalization.

8. Defendant Andrea J. Quarantillo is the District Director of the New York District office of USCIS.

VI. FACTUAL ALLEGATIONS

9. Petitioner is a lawful permanent resident of the United States. Petitioner was granted lawful permanent residency on November 7, 1992. Petitioner's alien registration number is 43-548-881.

10. On May 8, 2006, Petitioner submitted an application to be naturalized as a citizen of the United States.

11. On December 26, 2006, USCIS denied Petitioner's naturalization application.

12. On January 16, 2007, Petitioner filed a Request for Hearing on a Decision in Naturalization Proceedings under Section 336 of the Immigration and Nationality Act.

13. On April 4, 2007, Petitioner attended a review hearing conducted by an officer of USCIS pursuant to Section 336(a) of the Immigration and Nationality Act.

14. On April 4, 2007, USCIS issued a decision denying Petitioner's appeal.

15. Petitioner has exhausted his administrative remedies.

VIII. CLAIM FOR RELIEF

16. Petitioner has been adversely aggrieved by USCIS's denial and seeks the Court's review of USCIS's April 4, 2007 decision. 5 U.S.C. § 702 and 8 U.S.C. § 1421(c).

WHEREFORE, Petitioner prays that this honorable Court:

- (1) Review USCIS's denial de novo and make its own findings of fact and conclusions of law and grant his naturalization application;
- (2) Grant such other and further relief as this Court deems proper.

Dated: April 16, 2007
New York, New York

Respectfully submitted,
FERRO & CUCCIA
/s/ Romben Aquino

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